

00- R-0810

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$47,892.00 IN SETTLEMENT OF
THE CLAIM OF JOEL M. DICKERSON AGAINST
THE CITY OF ATLANTA TO BE PAID FROM
ACCOUNT NUMBER 1A01-529017-T31001

APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY
JUN 19 2000

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date 6/13/00
Chair C. J. Martin
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
JUN 19 2000

ATLANTA CITY COUNCIL PRESIDENT

Jack P. Parker

CERTIFIED
JUN 19 2000

Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 28 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW



**CITY COUNCIL
ATLANTA, GEORGIA**

A RESOLUTION

00-*R* -0810

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$47,892.00 IN SETTLEMENT OF THE CLAIM
OF JOEL M. DICKERSON AGAINST THE CITY OF
ATLANTA TO BE PAID FROM ACCOUNT NUMBER 1A01-
529017-T31001,**

WHEREAS, JOEL M. DICKERSON has filed a claim against the City of Atlanta seeking damages arising out of a storm sewer overflow on his property located at 1898-A Wycliff Road, NE; and

WHEREAS, the property owned by JOEL M. DICKERSON has been damaged due to a storm sewer overflow that resulted due to the collapse of a storm sewer. The City had knowledge of the collapsed storm sewer prior to the overflow which occurred on July 11, 1999; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$53,526.00 but the claimant has agreed to accept the sum of \$47,892.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of JOEL M. DICKERSON be settled for the sum of \$47,892.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$23,817.00 be paid by the City of Atlanta in satisfaction of any and all claims JOEL M. DICKERSON, owner of property located at 1898-A Wycliff Road, may have stemming from damages sustained to his property on July 11, 2000 and that the City Attorney prepare the appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,


Deputy Clerk

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

JUNE 19, 2000

JUNE 28, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0522

Date: June 1, 2000

Claimant /Victim JOEL M. DICKERSON
BY: (Atty) (Ins. Co.) _____
Address: 1954 Gotham Way, Atlanta, Georgia 30324
Subrogation: _____ Claim for Property damage \$ 53,526.00 Bodily Injury \$ _____
Date of Notice: 08/12/99 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/11/99 Place: 1898-A Wycliff Road
Department Public Works Division: Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained property damage due to the collapse of a storm sewer. The had knowledge of the collapsed storm sewer prior to the overflow which occurred on July 11, 1999.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

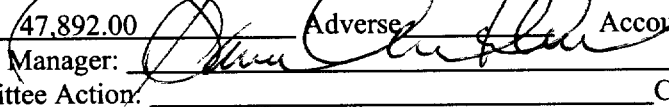
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 47,892.00 Adverse X Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 06-07-00
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 7/29/99

ENTERED - 8-17-99 - SB
99L0522 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 38,800 - property and/or
\$ -0- bodily injury for which I contend the City is liable.

1. Date of incident: July 11, 1999 (month/day/year). 2. Time of Incident: 3:30 pm 3. Fire Department Police called: ✓ Yes No
4. Location of incident (including street address): 1898 WYCLIFF ROAD/ATLANTA, GA 30309
unit A
5. Name of your insurance company: *State Farm Policy No. _____
6. State what and how incident occurred: City storm sewer pipe under condominium
ruptured, flooding my condo with 18" of water and mud.
Water blew out wall in condo, destroying or damaging all
flooring, furnishings, cabinetry, clothes, etc.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL
RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of
repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- Your vehicle: N/A
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: N/A
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: Kim Luther 1898 Wyckff Rd, #9 404-352-3052
(Name) (Address) (Telephone Number)
10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by
State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE
INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

JOEL M. DICKERSON

(Print Claimant's Name)

1898-A WYCLIFF RD.

(Address)

Atlanta, GA 30309

(City, State and Zip Code)

(404) 352-0844

(Work Number)

(404) 352-2344

(Home Number)

* std. Homeowner policy
does not cover this damage.
Claim was filed & denied.

RCS# 2016
6/19/00
2:32 PM

Atlanta City Council

Regular Session

Consent Agenda Pages (1 - 8)

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0795
00-R-0831

PRESIDENT PITTS RECUSED ON 00-
O-0756.

06/19/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-0756* 2. 00-O-0626 3. 00-O-0749 4. 00-O-0760 5. 00-O-0829 6. 00-O-0836 7. 00-O-0709 8. 00-O-0710 9. 00-R-0750 10. 00-R-0817 11. 00-R-0839 12. 00-R-0529 13. 00-R-0813 14. 00-R-0717 15. 00-R-0823 16. 00-R-0841 17. 00-R-0819 18. 00-R-0822 19. 00-R-0828 20. 00-R-0810 21. 00-R-0856 	<ol style="list-style-type: none"> 22. 00-R-0796 23. 00-R-0797 24. 00-R-0798 25. 00-R-0799 26. 00-R-0800 27. 00-R-0801 28. 00-R-0802 29. 00-R-0803 30. 00-R-0804 31. 00-R-0805 32. 00-R-0806 33. 00-R-0807 34. 00-R-0808 35. 00-R-0809 <p>*PRESIDENT PITTS RECUSED ON 00-O-0756.</p>